



[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

You may decide that you wish to reject the offer of a fixed penalty. If so you may reject the offer by writing to the bottom of this letter. NO OTHER CORRESPONDENCE MAY BE ENTERED INTO AS THE BOTTOM OF THIS LETTER. NO OTHER CORRESPONDENCE MAY BE ENTERED INTO AS THE BOTTOM OF THIS LETTER.

TO DO SO MAY BE SUB JUDICE.

You:

No proceedings in respect of the alleged offence will be taken against you unless

(a) fail to pay the prescribed amount by the expiry of the deadline given, or

(b) intimate in writing that you do not wish to accept the fixed penalty.

Should either situation arise then a report will be submitted to the Prosecutor Fiscal with a view to prosecution.

Yours sincerely

[REDACTED]

[REDACTED]

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographic description of boundary line</i>
6.	U to P	Mean high water spring tide
5.	T to U	Geodesic line
4.	S to T	Mean high water spring tide
3.	R to S	Geodesic line
2.	Q to R	Mean high water spring tide
1.	P to Q	Geodesic line

Where—

## PART 1

topographic description of the line—

boundary lines which are described below, in each case by reference to the co-ordinates of the points joined by a line and a boundary lines which are described below, in each case by reference to the co-ordinates of the points joined by a line and a

For the purposes of articles 2, 4(5) and (6) the parts of the protected area described in this Schedule are enclosed by the AREAS WHERE, IN ADDITION TO THE PROHIBITION ON THE DEPLOYMENT OR USE OF ANY

## SCHEDULE 2

Articles 2 and 4(5) and (6)

- (a) passive gear;
  - (b) a pelagic trawl;
  - (c) a road and line; and
  - (d) a handling line;
- any other device used for fishing purposes, and any rope or wire associated with the gear but excluding—
- (11) in this article—“fishing gear” means any beam trawl, demersal seine net, dredge,
4. (2) A person must not deploy (by any means) or use any fishing gear within the protected area.

### Prohibited and regulated activities

Order 2014(b).

- Conservation Marine Protected Area
- as a nature conservation marine protected area by, and described in article 3 of, the South Arran Nature Protected area” means the area described in article 3; and “South Arran MPA” means the area designated as a co-ordinate of latitude and longitude according to the World Geodetic System 1984(a); “the
- “boundary line” means a boundary delineated by a line as described in Schedule 1, 2 or 3; “co-ordinate”
2. In this Order—
- Interpretation

## The South Arran Marine Conservation Order 2015 (SSI 437/2015)

Annex

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographic description of boundary line
1.	V to W	Geodesic Line
2.	W to X	Geodesic Line
3.	X to Y	Geodesic Line
4.	Y to Z	Geodesic Line
5.	Z to AA	Geodesic Line
6.	AA to AB	Geodesic Line
7.	AB to AC	Geodesic Line
8.	AC to AD	Geodesic Line
9.	AD to AE	Geodesic Line
10.	AE to AF	Geodesic Line
11.	AF to AG	Geodesic Line
12.	AG to AH	Geodesic Line
13.	AH to AI	Geodesic Line
14.	AI to AJ	Geodesic Line
15.	AJ to V	Geodesic Line

Where—

"V" is 55°30.584N, 005°04.208W;

"W" is 55°30.661N, 005°04.110W;

"X" is 55°30.618N, 005°03.966W;

"Y" is 55°30.826N, 005°03.492W;

"Z" is 55°30.943N, 005°03.468W;

"AA" is 55°30.989N, 005°03.377W;

PART 2

"U" is 55°33.002N, 005°04.957W;

"T" is 55°32.998N, 005°04.865W; and

"S" is 55°32.990N, 005°04.839W;

"R" is 55°31.876N, 005°04.305W;

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>
----------------------	--

#### PART 4

“AQ” is 55°27.914N, 005°04.749W.

“AP” is 55°28.039N, 005°04.535W, and

“AO” is 55°28.567N, 005°05.010W;

“AN” is 55°29.177N, 005°06.361W;

“AM” is 55°29.650N, 005°06.146W;

“AL” is 55°30.035N, 005°04.838W;

“AK” is 55°30.403N, 005°04.812W;

Where—

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>
1. AK to AL	Geodesic line
2. AL to AM	Geodesic line
3. AM to AN	Geodesic line
4. AN to AO	Geodesic line
5. AO to AP	Geodesic line
6. AP to AQ	Geodesic line
7. AQ to AK	Mean high water spring tide

#### PART 3

“AJ” is 55°30.520N, 005°04.080W.

“AI” is 55°30.400N, 005°04.040W; and

“AH” is 55°30.306N, 005°04.077W;

“AG” is 55°30.208N, 005°04.083W;

“AF” is 55°30.193N, 005°04.055W;

“AE” is 55°30.276N, 005°03.763W;

“AD” is 55°30.539N, 005°03.429W;

“AC” is 55°30.621N, 005°03.388W;

“AB” is 55°30.916N, 005°03.333W;

Where—

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
1.	AV to AW	Geodesic line
2.	AW to AX	Geodesic line
3.	AX to AY	Geodesic line
4.	AY to AV	Geodesic line

## PART 5

"AU" is 55°25.908'N, 005°07.838'W.

"AT" is 55°25.898'N, 005°06.080'W; and

"AS" is 55°26.280'N, 005°06.060'W;

"AR" is 55°26.280'N, 005°07.860'W;

Where—

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
1.	AR to AS	Geodesic line
2.	AS to AT	Geodesic line
3.	AT to AU	Geodesic line
4.	AU to AR	Geodesic line

**marinescotland**



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: +44 (0)131 244  
E: [REDACTED]

[REDACTED]  
2018

Dear [REDACTED]

**FORMAL OFFICIAL WARNING:-  
BREACH OF SOUTH ARRAN MARINE CONSERVATION ORDER 2015**

On [REDACTED] 2018, an investigation into a suspected infringement has established that there has been a breach of The South Arran Marine Conservation Order 2015. This is specifically that on [REDACTED] 2018 you deployed fishing gear within the boundary of the South Arran Marine Protected Area (MPA) as defined in Schedule 2 of the South Arran Marine Conservation Order 2015, in breach of Article 4(5) of the aforementioned Order.

A summary of the relevant sections of the order are attached as an annex. However for clarity, Article 4(5) of The South Arran Marine Conservation Order States:

- "Prohibited and regulated activities*
4. (5) A person must not deploy (by any means) or use any passive gear within those parts of the protected area which are described in Schedule 2.

In order to comply with the relevant regulatory requirements while fishing in EC waters you must not deploy any fishing gear as defined above within the area as defined in schedule 2 of the South Arran Marine Conservation Order 2015.

Although there is sufficient evidence to provide a realistic prospect of a conviction, on this occasion the submission of a report to the Procurator Fiscal is not considered to be necessary in the public interest.



A record of this incident along with your personal details will be kept on file and should you commit a further analogous offence within a 2 year period from the date of this letter, a reference to this matter will be included in any report submitted to the Procurator Fiscal at that time.

Yours sincerely

A large rectangular area of the page has been completely blacked out with a red marker, obscuring a handwritten signature.

Victoria Quay, Edinburgh EH6 6QQ  
[www.gov.scot/marinescotland](http://www.gov.scot/marinescotland)



Annex

The South Atran Marine Conservation Order 2015 (SSI 437/2015)

**Interpretation**

2. In this Order—  
 “boundary line” means a boundary delineated by a line as described in Schedule 1, 2 or 3; “co-ordinates” means a co-ordinate of latitude and longitude according to the World Geodetic System 1984(e); “the protected area” means the area described in article 3; and “South Atran NPA” means the area designated as a nature conservation marine protected area by, and described in article 3 of, the South Atran Nature Conservation Marine Protected Area Order 2014(b).

**Prohibited and regulated activities**

4. (5) A person must not deploy (by any means) or use any passive gear within those parts of the protected area which are described in Schedule 2.

**SCHEDULE 2**

AREAS WHERE, IN ADDITION TO THE PROHIBITION ON THE DEPLOYMENT OR USE OF ANY FISHING GEAR, THE DEPLOYMENT OR USE OF ANY PASSIVE GEAR IS PROHIBITED  
 For the purposes of articles 2, 4(5) and (6) the parts of the protected area described in this Schedule are enclosed by the boundary lines which are described below, in each case by reference to the co-ordinates of the points joined by a line and a topographical description of the line—

**PART 1**

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
1. P to Q		Geodetic line
2. Q to R		Mean high water spring tide
3. R to S		Geodetic line
4. S to T		Mean high water spring tide
5. T to U		Geodetic line
6. U to P		Mean high water spring tide

**PART 2**

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
1. V to W		Geodetic Line
2. W to X		Geodetic Line
3. X to Y		Geodetic Line
4. Y to Z		Geodetic Line
5. Z to AA		Geodetic Line
6. AA to AB		Geodetic Line
7. AB to AC		Geodetic Line
8. AC to AD		Geodetic Line
9. AD to AE		Geodetic Line



Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
10. AE to AF	"V"	Geodesic Line
11. AF to AG	"Y"	Geodesic Line
12. AG to AH	"Z"	Geodesic Line
13. AH to AJ	"AA"	Geodesic Line
14. AJ to AU	"AB"	Geodesic Line
15. AU to V	"AC"	Geodesic Line

Where—  
 "V" is 55°30.584N, 005°04.208W;  
 "W" is 55°30.861N, 005°04.110W;  
 "X" is 55°30.678N, 005°03.968W;  
 "Y" is 55°30.826N, 005°03.492W;  
 "Z" is 55°30.943N, 005°03.468W;  
 "AA" is 55°30.989N, 005°03.377W;  
 "AB" is 55°30.916N, 005°03.363W;  
 "AC" is 55°30.827N, 005°03.388W;  
 "AD" is 55°30.539N, 005°03.428W;  
 "AE" is 55°30.276N, 005°03.763W;  
 "AF" is 55°30.193N, 005°04.055W;  
 "AG" is 55°30.208N, 005°04.083W;  
 "AH" is 55°30.306N, 005°04.077W;  
 "AI" is 55°30.400N, 005°04.040W; and  
 "AJ" is 55°30.520N, 005°04.080W.

#### PART 3

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
1. AK to AL	AK	Geodesic line
2. AL to AM		Geodesic line
3. AM to AN		Geodesic line
4. AN to AO		Geodesic line
5. AO to AP		Geodesic line
6. AP to AQ		Geodesic line
7. AQ to AK		Mean high water spring tide

#### PART 4

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
1. AR to AS		Geodesic line
2. AS to AT		Geodesic line
3. AT to AU		Geodesic line
4. AU to AR		Geodesic line



Where—  
"AR" is 55°25.280N, 005°07.960W;  
"AS" is 55°25.280N, 005°06.060W;  
"AT" is 55°25.898N, 005°06.080W; and  
"AU" is 55°25.908N, 005°07.938W.

Where—  
"AV" is 55°25.526N, 005°18.660W;  
"AW" is 55°25.520N, 005°17.220W;  
"AX" is 55°25.100N, 005°17.220W; and  
"AY" is 55°25.176N, 005°18.643W.

PART 5

Boundary line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
1.	AV to AW	Geodetic line
2.	AW to AX	Geodetic line
3.	AX to AY	Geodetic line
4.	AY to AV	Geodetic line



T: +44 (0)131 244 [REDACTED] F: +44 (0)131 244 [REDACTED]  
E: [REDACTED]

[REDACTED]

[REDACTED] 2017

Dear [REDACTED]

**FORMAL OFFICIAL WARNING:-  
BREACH OF SOUTH ARRAN MARINE CONSERVATION ORDER 2015**

On [REDACTED] 2017 an investigation into an apparent infringement has established that there has been a breach of The South Arran Marine Conservation Order 2015. This is specifically that on that day you deployed fishing gear within the boundary of the South Arran Marine Protected Area (MPA) as defined in Schedule 2 of The South Arran Marine Conservation Order 2015 and are therefore in breach of Article 4(2) of the aforementioned order. For clarity, Article 4(2) of The South Arran Marine Conservation Order states:

**"Prohibited and regulated activities**

4. (2) A person must not deploy (by any means) or use any fishing gear within the protected area.

(1) In this article— "fishing gear" means any beam trawl, demersal seine net, demersal trawl, dredge, any other device used for fishing purposes, and any rope or wire associated with the gear but excluding—

- (a) passive gear;
- (b) a pelagic trawl;
- (c) a rod and line; and
- (d) a handline;"

In order to comply with the relevant regulatory requirements while fishing in EC waters you must not deploy any fishing gear as defined above within the area as defined in the South Arran Marine Conservation Order 2015. You can view a copy of the Order here: [www.legislation.gov.uk](http://www.legislation.gov.uk).

You have, on two previous occasions, been offered Fixed Penalty Notices to address similar suspected infringements and I also refer to your telephone conversation with my colleague [REDACTED] on [REDACTED] 2017. In our view your current fishing methods must be modified to prevent you committing further incursions. If your current plotting equipment is not accurately reflecting either your position or that of the boundaries of and within the MPA and you are relying on this equipment to identify where you fish then you may/wish to keep this in mind to avoid further infringements. It would also seem sensible to familiarise yourself fully with its use.

I would also remind you, as discussed with [REDACTED] that any further suspected infringements will be considered in the context of this warning letter and the previous infringements.

Although there is sufficient evidence to provide a realistic prospect of a conviction on this occasion the submission of a report to the Procurator Fiscal is not considered to be necessary in the public interest. However, I would encourage you to note the contents of this letter and take any necessary action to avoid future infringements.

A record of this incident along with your personal details will be kept on file and should you commit a further analogous offence within a 2 year period from the date of this letter, a reference to this matter will be included in any report submitted to the Procurator Fiscal at that time.

Yours sincerely

[REDACTED]  
[REDACTED]







However, before taking such action, and in accordance with the provisions laid down in Sections 25 – 31 of the Aquaculture and Fisheries (Scotland) Act 2007, as amended, I am issuing you with a Fixed Penalty Notice for £4,000 in respect of the alleged offences.

An extract of the relevant legislation is attached to this letter in the form of an Annex.

Fishing gear is prohibited.

- Within the South Arran Marine Protected Area to which deployment of demersal specifically that on 10 May 2018 you deployed demersal fishing gear at a location paper format within 48 hours after completion of landing; and
- In respect of a breach of The South Arran Conservation Order 2015. This is implemented Regulation 404/2011. This is specifically that for voyages between 10 July 2018 and 23 August 2018 you failed to complete and submit a fishing logbook in paper format within 48 hours after completion of landing; and

Having carefully considered the reports made by detecting officers, I am satisfied that there is sufficient evidence, and the matters sufficiently serious, for reports to be made to the Procurator Fiscal in respect of:

I have received separate reports from British Sea Fisheries Officers from [REDACTED] detailing their suspicions that the vessel which you were master of, breached fishing vessel licensing conditions and The South Arran Marine Conservation Order 2015.

THE AQUACULTURE AND FISHERIES (SCOTLAND) ACT 2007:  
FIXED PENALTY NOTICE REFERENCE NO. 269

Your ref: FPN269  
Date: 2018  
Dear [REDACTED]



Yours sincerely

with a view to prosecution.

Should either situation arise then a report will be submitted to the Procurator Fiscal

(b) intimate in writing that you do not wish to accept the fixed penalty.

(a) fail to pay the prescribed amount by the expiry of the deadline given, or

You:

No proceedings in respect of the alleged offence will be taken against you unless

INTO AS TO DO SO MAY BE SUB JUDICE.

You may decide that you wish to reject the offer of a fixed penalty. If so you may reject the offer by writing to Tom Robertson, Head of Surveillance and Enforcement at the address given at the bottom of this letter. NO OTHER CORRESPONDENCE MAY BE ENTERED

Payment of the fixed penalty is not a conviction, nor can it be recorded as such. If you pay the fixed penalty any liability to a conviction for the alleged offence is discharged.

Notice, the due date deadline has been extended to the same date of 28 February 2019. Do not write a letter of acceptance or reply to this letter or do anything else other than make the necessary payment quoting the reference number which appears at the top of this letter. Already have an agreed payment period for a previously issued Fixed Penalty Notice, the due date deadline has been extended to the date of this letter, however, as you required deadline which is normally 28 days from the date of this letter, however, as you wished to accept the offer of a fixed penalty you need only pay that amount by the

If you wish to accept this offer of a fixed penalty, you should arrange for payment to be made to the Scottish Government at the address below and using one of the payment methods set out in the attachment to this notice.



"handline" means a single fishing line which is held in a person's hand;

- (d) a handline;
- (c) a rod and line; and
- (b) a pelagic trawl;
- (a) passive gear;

excluding—

"fishing gear" means any beam trawl, demersal seine net, demersal trawl, dredge, any other device used for fishing purposes, and any rope or wire associated with the gear but

(11) in this article—

(3) While a fishing vessel is within the protected area the master of the vessel must ensure that any fishing gear, passive gear, pelagic trawl, rod and line, or handline carried on board the vessel is properly lashed and stowed in such a way that it may not be readily used.

(2) A person must not deploy (by any means) or use any fishing gear within the protected area.

(1) Paragraphs (2), (3), (4), (5), (6), (7), (8) and (10) apply in order to further the stated conservation objectives for the South Arran MPA.

#### Prohibited and regulated activities

The South Arran Marine Conservation Order 2015 states:

1. When a Union fishing vessel has made a landing in a port or a transhipment in a port or in a place close to the shore of its flag Member State, its master shall submit the original(s) of the fishing logbook, transhipment declaration and landing declaration as soon as possible and not later than 48 hours after completing the declaration of transhipment or landing to the competent authorities of the Member State concerned. The original(s) of such a transhipment declaration and landing declaration may also be submitted by the representative of the master on his behalf.

Deadlines for the submission of a fishing logbook, transhipment declaration and a landing declaration in paper format

Article 32

#### COMMISSION IMPLEMENTING REGULATION 404/2011 STATES:

1.7. In accordance with Article 29(2) of Commission Implementing Regulation (EU) No. 404/2011, the Master shall complete and submit an EU logbook and a landing declaration in paper format in accordance with the provisions in Chapter I of Title III of that Regulation, if the vessel is in membership of a Producer Organisation.

#### Reporting requirements

FISHING LICENSE CONDITION 1.7 OF FISHING LICENSE 24315 STATES:

Annex





Area 1A North  
Victoria Quay, Edinburgh EH6 6QQ  
[www.scotland.gov.uk/marinescotland](http://www.scotland.gov.uk/marinescotland)

If you wish to accept the offer of a fixed penalty you need only pay that amount by the required deadline which is 28 days from the date that appears at the top of this letter.

If you wish to accept this offer of a fixed penalty, you should arrange for payment to be made to the Scottish Government at the address below and using one of the payment methods set out in the attachment to this notice.

However, before taking such action, and in accordance with the provisions laid down in Sections 25 – 31 of the Aquaculture and Fisheries (Scotland) Act 2007, as amended, I am issuing you with a Fixed Penalty Notice for £4,000 in respect of the alleged offences.

Having carefully considered the report made by the detective officers, I am satisfied that there is sufficient evidence, and the matter sufficiently serious, for a report to be made to the Procurator Fiscal in respect of a Breach of the South Aran Conservation Order 2015 offence.

I have received a report from British Sea Fisheries Officers from [REDACTED] detailing their suspicious sightings that the vessel which you were master of, [REDACTED] breached The South African Marine Conservation Order 2015. Specifically that on 20 July 2017 you deployed fishing gear within the boundary of the South African Marine Protected Area (MPA) as defined in Schedule 2 of the South African Marine Conservation Order 2015 in breach of Article 4(2) of the aforementioned Order. A summary of the relevant sections of the order are attached as Annex.

THE AGUACULTURE AND FISHERIES (SCOTLAND) ACT 2007:  
FIXED PENALTY NOTICE REFERENCE NO. 230

Date 2017  
Our ref: FN230  
Your ref:

marine Scotland | Rìaghaltas na h-Alba | gov.scot



"Q" is 55°31.558N, 005°05.218W;

"P" is 55°32.603N, 005°06.512W;

Where—

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographic description of boundary line	Geodesic line	Mean high water spring tide	P 10 Q
			Geodesic line	Mean high water spring tide	R 10 S
			Geodesic line	Mean high water spring tide	S 10 T
			Geodesic line	Mean high water spring tide	T 10 U
			Geodesic line	Mean high water spring tide	U 10 P

## PART 1

topographic description of the line—

boundary lines which are described below, in each case by reference to the co-ordinates of the points joined by a line and a line—

For the purposes of articles 2, 4(5) and 6) the parts of the protected area described in this Schedule are enclosed by the

AREAS WHERE, IN ADDITION TO THE PROHIBITION ON THE DEPLOYMENT OR USE OF ANY  
FISHING GEAR, THE DEPLOYMENT OR USE OF ANY PASSIVE GEAR IS PROHIBITED

## SCHEDULE 2

Articles 2 and 4(5) and 6)

- (a) passive gear;
  - (b) a pelagic trawl;
  - (c) a road and line; and
  - (d) a handline;
- any other device used for fishing purposes, and any rope or wire associated with the gear but excluding—
- (11) in this article—"fishing gear" means any beam trawl, demersal seine net, demersal trawl, dredge,
4. (2) A person must not deploy (by any means) or use any fishing gear within the protected area.

## Prohibited and regulated activities

Order 2014(b).

"boundary line" means a boundary delineated by a line as described in Schedule 1, 2 or 3; "co-ordinate"

means a co-ordinate of latitude and longitude according to the World Geodetic System 1984(a); "the

protected area" means the area described in article 3; and "South Arran MPA" means the area designated as a nature conservation marine protected area by, and described in article 3 of, the South Arran Nature

Interpretation  
2. In this Order—

The South Arran Marine Conservation Order 2015 (SSI 437/2015)





#### PART 4

"AG" is 55°27.94N, 005°04.749W.

"AP" is 55°28.039N, 005°04.535W; and

"AO" is 55°28.567N, 005°05.010W;

"AN" is 55°29.177N, 005°05.361W;

"AM" is 55°29.650N, 005°05.146W;

"AL" is 55°30.035N, 005°04.838W;

"AK" is 55°30.403N, 005°04.812W;

Where—

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
1.	AK to AL	Geodesic line
2.	AL to AM	Geodesic line
3.	AM to AN	Geodesic line
4.	AN to AO	Geodesic line
5.	AO to AP	Geodesic line
6.	AP to AQ	Geodesic line
7.	AQ to AK	Mean high water spring tide

#### PART 3

"AJ" is 55°30.520N, 005°04.080W.

"AI" is 55°30.400N, 005°04.040W; and

"AH" is 55°30.306N, 005°04.077W;

"AG" is 55°30.208N, 005°04.083W;

"AF" is 55°30.193N, 005°04.065W;

"AE" is 55°30.276N, 005°03.763W;

"AD" is 55°30.539N, 005°03.429W;

"AC" is 55°30.621N, 005°03.388W;

"AB" is 55°30.916N, 005°03.333W;

"AA" is 55°30.989N, 005°03.377W;

